

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4081

RANDALL WHITE,

Defendant-Appellant.

Appeal from the United States District Court
for the District of South Carolina, at Greenville.
William B. Traxler, Jr., District Judge.
(CR-98-293)

Submitted: December 29, 1999

Decided: February 1, 2000

Before NIEMEYER and MICHAEL, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Lance Armstrong, LAW OFFICES OF LANCE ARMSTRONG,
Miami, Florida, for Appellant. J. Rene Josey, United States Attorney,
A. Bradley Parham, Assistant United States Attorney, Greenville,
South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Randall White appeals his jury convictions and resulting 400 month sentence for conspiracy in violation of 21 U.S.C. § 846 (1994) and possession with intent to distribute in violation of 21 U.S.C.A. § 841 (West 1994 & Supp. 1999). We affirm.

White claims on appeal that the Government's questions to two witnesses during trial as to whether they were afraid of White constituted plain error. We have reviewed the record and conclude that the remarks did not constitute plain error. See United States v. Brewer, 1 F.3d 1430, 1434-35 (4th Cir. 1993). White also claims that the district court erred in denying White's motion for a mistrial after the Government remarked during closing argument that it possessed additional evidence that was not presented at trial. The district court immediately directed the jury to disregard the reference to additional evidence and repeated during jury instructions that argument that the Government possessed evidence not presented at trial be disregarded. Under these circumstances, and in light of the evidence against White properly adduced at trial, we find that the court did not abuse its discretion in refusing to grant a mistrial. See United States v. Morsley, 64 F.3d 907, 913 (4th Cir. 1995); United States v. Dorsey, 45 F.3d 809, 817 (4th Cir. 1995).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED